

106TH CONGRESS  
2D SESSION

# H. R. 2752

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## AN ACT

To direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.



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To direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Lincoln County Land  
3 Act of 2000”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5       (a) FINDINGS.—Congress finds that—

6           (1) Lincoln County, Nevada, encompasses an  
7 area of 10,132 square miles of the State of Nevada;

8           (2) approximately 98 percent of the County is  
9 owned by the Federal Government;

10          (3) the City of Mesquite, Nevada, needs land  
11 for an organized approach for expansion to the  
12 north;

13          (4) citizens of the County would benefit through  
14 enhanced county services and schools from the in-  
15 creased private property tax base due to commercial  
16 and residential development;

17          (5) the County would see improvement to the  
18 budget for the county and school services through  
19 the immediate distribution of sale receipts from the  
20 Secretary selling land through a competitive bidding  
21 process;

22          (6) a cooperative approach among the Bureau  
23 of Land Management, the County, the City, and  
24 other local government entities will ensure con-  
25 tinuing communication between those entities;

1 (7) the Federal Government will be fairly com-  
2 pensated for the sale of public land; and

3 (8) the proposed Caliente Management Frame-  
4 work Amendment and Environmental Impact State-  
5 ment for the Management of Desert Tortoise Habi-  
6 tat Plan identify specific public land as being suit-  
7 able for disposal.

8 (b) PURPOSES.—The purposes of this Act are—

9 (1) to provide for the orderly disposal of certain  
10 public land in the County; and

11 (2) to provide for the acquisition of environ-  
12 mentally sensitive land in the State of Nevada.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) CITY.—The term “City” means the City of  
16 Mesquite, Nevada.

17 (2) COUNTY.—The term “County” means Lin-  
18 coln County, Nevada.

19 (3) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Interior.

21 (4) SPECIAL ACCOUNT.—The term “special ac-  
22 count” means the account in the Treasury of the  
23 United States established under section 5.

24 **SEC. 4. DISPOSAL OF LAND.**

25 (a) DISPOSAL.—

1           (1) IN GENERAL.—As soon as practicable after  
2           the date of the enactment of this Act, notwith-  
3           standing the land use planning and land sale re-  
4           quirements contained in sections 202 and 203 of the  
5           Federal Land Policy and Management Act of 1976  
6           (43 U.S.C. 1711, 1712), the Secretary, in coopera-  
7           tion with the County and the City, in accordance  
8           with this Act, the Federal Land Policy and Manage-  
9           ment Act of 1976 (43 U.S.C. 1701 et seq.), and  
10          other applicable law, and subject to valid existing  
11          rights, shall dispose of the land described in sub-  
12          section (b) in a competitive bidding process, at a  
13          minimum, for fair market value.

14          (2) TIMING.—The Secretary shall dispose of—

15                (A) the land described in subsection  
16                (b)(1)(A) not later than 1 year after the date  
17                of the enactment of this Act; and

18                (B) the land described in subsection  
19                (b)(1)(B) not later than 5 years after the date  
20                of the enactment of this Act.

21          (b) LAND DESCRIPTION.—

22                (1) IN GENERAL.—The land referred to in sub-  
23                section (a) is the land depicted on the map entitled  
24                “Public Lands Identified for Disposal in Lincoln

1 County, Nevada” and dated July 24, 2000, con-  
2 sisting of—

3 (A) the land identified on the map for dis-  
4 posal within 1 year, comprising approximately  
5 4,817 acres; and

6 (B) the land identified on the map for dis-  
7 posal within 5 years, comprising approximately  
8 8,683 acres.

9 (2) MAP.—The map described in paragraph (1)  
10 shall be available for public inspection in the Ely  
11 Field Office of the Bureau of Land Management.

12 (c) SEGREGATION.—Subject to valid existing rights,  
13 the land described in subsection (b) is segregated from all  
14 forms of entry and appropriation (except for competitive  
15 sale) under the public land laws, including the mining  
16 laws, and from operation of the mineral leasing and geo-  
17 thermal leasing laws.

18 (d) COMPLIANCE WITH LOCAL PLANNING AND ZON-  
19 ING.—The Secretary shall ensure that qualified bidders in-  
20 tend to comply with—

21 (1) County and City zoning ordinances; and

22 (2) any master plan for the area developed and  
23 approved by the County and City.

1 **SEC. 5. DISPOSITION OF PROCEEDS.**

2 (a) LAND SALES.—Of the gross proceeds of sales of  
3 land under this Act in a fiscal year—

4 (1) 5 percent shall be paid directly to the State  
5 of Nevada for use in the general education program  
6 of the State;

7 (2) 10 percent shall be returned to the County  
8 for use as determined through normal county budg-  
9 eting procedures, with emphasis given to support of  
10 schools, of which no amount may be used in support  
11 of litigation against the Federal Government; and

12 (3) the remainder shall be deposited in a special  
13 account in the Treasury of the United States (re-  
14 ferred to in this section as the “special account”) for  
15 use as provided in subsection (b).

16 (b) AVAILABILITY OF SPECIAL ACCOUNT.—

17 (1) IN GENERAL.—Amounts in the special ac-  
18 count (including amounts earned as interest under  
19 paragraph (3)) shall be available to the Secretary of  
20 the Interior, without further Act of appropriation,  
21 and shall remain available until expended, for—

22 (A) inventory, evaluation, protection, and  
23 management of unique archaeological resources  
24 (as defined in section 3 of the Archaeological  
25 Resources Protection Act of 1979 (16 U.S.C.  
26 470bb)) in the County;



1 (B) development of a multispecies habitat  
2 conservation plan in the County;

3 (C)(i) reimbursement of costs incurred by  
4 the Nevada State Office and the Ely Field Of-  
5 fice of the Bureau of Land Management in pre-  
6 paring sales under this Act, or other authorized  
7 land sales within the County, including the  
8 costs of land boundary surveys, compliance with  
9 the National Environmental Policy Act of 1969  
10 (42 U.S.C. 4321 et seq.), appraisals, environ-  
11 mental and cultural clearances, and any public  
12 notice; and

13 (ii) processing public land use authoriza-  
14 tions and rights-of-way stemming from develop-  
15 ment of the conveyed land; and

16 (D) the cost of acquisition of environ-  
17 mentally sensitive land or interests in such land  
18 in the State of Nevada, with priority given to  
19 land outside Clark County.

20 (2) ACQUISITION FROM WILLING SELLERS.—An  
21 acquisition under paragraph (1)(D) shall be made  
22 only from a willing seller and after consultation with  
23 the State of Nevada and units of local government  
24 under the jurisdiction of which the environmentally  
25 sensitive land is located.

1       (c) INVESTMENT OF SPECIAL ACCOUNT.—All funds  
2 deposited as principal in the special account shall earn in-  
3 terest in the amount determined by the Secretary of the  
4 Treasury on the basis of the current average market yield  
5 on outstanding marketable obligations of the United  
6 States of comparable maturities.

7 **SEC. 6. ACQUISITIONS.**

8       (a) DEFINITION OF ENVIRONMENTALLY SENSITIVE  
9 LAND.—In this section, the term “environmentally sen-  
10 sitive land” means land or an interest in land, the acqui-  
11 sition of which by the United States would, in the judgment  
12 of the Secretary—

13           (1) promote the preservation of natural, sci-  
14 entific, aesthetic, historical, cultural, watershed,  
15 wildlife, and other values contributing to public en-  
16 joyment and biological diversity;

17           (2) enhance recreational opportunities and pub-  
18 lic access;

19           (3) provide the opportunity to achieve better  
20 management of public land through consolidation of  
21 Federal ownership; or

22           (4) otherwise serve the public interest.

23       (b) ACQUISITIONS.—

24           (1) IN GENERAL.—After the consultation proc-  
25 ess has been completed in accordance with sub-

1 section (c), the Secretary may acquire with the pro-  
2 ceeds of the special account environmentally sen-  
3 sitive land and interests in environmentally sensitive  
4 land. Land may not be acquired under this section  
5 without the consent of the landowner.

6 (2) USE OF OTHER FUNDS.—Funds made avail-  
7 able from the special account may be used with any  
8 other funds made available under any other provi-  
9 sion of law.

10 (c) CONSULTATION.—Before initiating efforts to ac-  
11 quire land under this subsection, the Secretary shall con-  
12 sult with the State of Nevada and with local government  
13 within whose jurisdiction the land is located, including ap-  
14 propriate planning and regulatory agencies, and with  
15 other interested persons, concerning the necessity of mak-  
16 ing the acquisition, the potential impacts on State and  
17 local government, and other appropriate aspects of the ac-  
18 quisition.

19 (d) ADMINISTRATION.—On acceptance of title by the  
20 United States, land and interests in land acquired under  
21 this section that is within the boundaries of a unit of the  
22 National Wild and Scenic Rivers System, National Trails  
23 System, National Wilderness Preservation System, any  
24 other system established by Act of Congress, or any na-

1 tional conservation or national recreation area established  
2 by Act of Congress—

3 (1) shall become part of the unit or area with-  
4 out further action by the Secretary; and

5 (2) shall be managed in accordance with all  
6 laws and regulations and land use plans applicable  
7 to the unit or area.

Passed the House of Representatives September 26,  
2000.

Attest:

*Clerk.*